I. Claims 1 and 3-13 (each in part), drawn to a modified neurotoxin comprising a neurotoxin including a structural modification wherein said structural modification is effective to enhance a biological persistence.

II. Claims 1, 2, and 4-13 (each in part), drawn to a modified neurotoxin comprising a neurotoxin including a structural modification wherein said structural modification is effective to reduce a biological persistence.

III. Claims 14-28, 31, 32, 34 drawn to a modified neurotoxin comprising a leucine-based motif.

IV. Claims 29-30, 33 drawn to modified neurotoxin comprising a tyrosine-based motif.

V. Claims 35, 36, and 38 (each in part) drawn to a method for enhancing the biological persistence of a neurotoxin wherein a structural modification is fused or added to said neurotoxin and wherein said structural modification comprises a leucine-based motif.

VI. Claims 35, 37, and 38 (each in part) drawn to a method for enhancing the biological persistence of a neurotoxin wherein a structural modification is fused or added to said neurotoxin and wherein said structural modification comprises a tyrosine-based motif.

VII. Claim 39, drawn to a modified neurotoxin comprising a botulinum type A neurotoxin including a structural modification

wherein said structural modification comprises a deletion of amino acids 1 to 8 and 416 to 427.

VIII. Claims 40, drawn to a modified neurotoxin comprising a botulinum type A neurotoxin including a structural modification wherein said structural modification comprising substitution of leucine at position 427 for alanine and leucine at position 428 for an alanine.

IX. Claims 41, 42, and 44 (each in part) drawn to a method for reducing the biological persistence of a neurotoxin wherein a structural modification comprises a leucine-based motif.

X. Claims 41, 43, and 44 (each in part) drawn to a method for reducing the biological persistence of a neurotoxin wherein a structural modification is fused or added to said neurotoxin and wherein said structural modification is fused or added to said neurotoxin and wherein said structural modification comprises a tyrosine-based motif.

XI. Claims 45, 47, 48 and 50-56, drawn to a method of treating a condition comprising a step of administering an effective dose of a modified neurotoxin to a mammal wherein said neurotoxin contains a leucine-based motif.

XII. Claims 45-47 and 49-56, drawn to a method of treating a condition comprising a step of administering an effective dose of a modified neurotoxin to a mammal wherein said neurotoxin contains a tyrosine-based motif.

XIII. Claims 57-63, and 66-68 (each in part), drawn to a modified neurotoxin comprising a neurotoxin including a

structural modification which is effective to alter a biological activity wherein the biological persistence of said neurotoxin is increased.

XIV. Claims 57-62, 64, 65, 67, and 68 (each in part), drawn to a modified neurotoxin comprising a neurotoxin including a structural modification which is effective to alter a biological activity wherein the biological persistence of said neurotoxin is reduced.

Applicant elects the Group I claims with traverse.

Applicant submits that since all of claims of Groups I to IVX relate to changing the biological persistence of botulinum toxins by altering the amino acid sequence of the toxins there would be no serious burden placed upon the Examiner to perform a search encompassing all claims of Groups I to IVX. Therefore, applicant requests that the requirement for the election of one of Groups I to XIV be reconsidered and withdrawn.

The Examiner requires applicant to make a species election from the group of conditions cited on pages 10 to 12 of the Examiner's communication dated September 30, 2003, if applicant elects either the Group XI or Group XII claims. Applicant believes that there is no requirement for a species election because applicant elects herein the Group I claims.

Applicant requests early and favorable action in the above-identified case.

Respectfully submitted,

Frank J. Uxa
Attorney for Applicants
Reg. No. 25,612
4 Venture, Suite 300
Irvine, CA 92618
(949) 450-1750
Facsimile (494) 450-1764